

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VOLKSWAGEN AG, VOLKSWAGEN
GROUP OF AMERICA, INC., and AUDI AG,

Plaintiffs,

v.

HKSELLER*2011 and LEDILLUMINANT,

Defendants.

Case No. 18-cv-07621

Judge John Z. Lee

FINAL JUDGMENT ORDER

Plaintiffs Volkswagen Group of America, Inc. and Audi AG (together or individually, “Plaintiffs”) filed this action on September 28, 2018, alleging federal trademark infringement and counterfeiting (Count I), false designation of origin (Count II), and violation of the Illinois Uniform Deceptive Trade Practices Act (“UDTPA”) (Count III), and seeking statutory damages and injunctive relief against Defendants hkseller*2011 and ledilluminant (“Defendants”), which were advertising, offering for sale, and selling products using Plaintiffs’ federally registered trademarks through the fully interactive, commercial Internet stores hkseller*2011 and ledilluminant (the “Defendants’ Internet Stores”). Defendants filed an Answer [15] to Plaintiffs’ Amended Complaint on December 12, 2018.


This Court having entered upon a showing by Plaintiffs a preliminary injunction against Defendants which included an asset restraining order;

Plaintiffs having shown that there is no genuine dispute as to any material fact regarding Defendants’ liability for willful trademark infringement and counterfeiting, false designation of

origin using counterfeit trademarks, and violation of the Illinois Uniform Deceptive Trade Practices Act;

THIS COURT HEREBY FINDS that, pursuant to Fed. R. Civ. P. 56(a), Plaintiffs are entitled to judgment as a matter of law;

THIS COURT FURTHER FINDS that it has personal jurisdiction over Defendants since Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive Defendants' Internet Stores through which Illinois residents can purchase products using counterfeit versions of the AUDI Trademarks (a list of which is included in the below chart) (such products collectively referred to herein as the "Counterfeit Audi Products").

Registration Number	Trademark	Registration Date	Goods and Services
2,083,439		July 29, 1997	For: automobiles and structural parts therefor in international class 12.
5,093,264	AUDI	December 6, 2016	For: Lighting apparatus for vehicles; lighting apparatus, namely, lighting fixtures and lighting installations in international class 11.

THIS COURT FURTHER FINDS that Defendants are liable for willful federal trademark infringement and counterfeiting (15 U.S.C. § 1114), false designation of origin (15 U.S.C. §

1125(a)), and violation of the Illinois Uniform Deceptive Trade Practices Act (815 ILCS § 510, *et seq.*).

IT IS HEREBY ORDERED that Plaintiffs' Motion for Summary Judgment and a Statutory Damages Award as to Defendants is GRANTED in its entirety, and that this Final Judgment is entered against Defendants.

IT IS FURTHER ORDERED that:

1. Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert with them be permanently enjoined and restrained from:
 - a. using the AUDI Trademarks or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Audi product or not authorized by Plaintiffs to be sold in connection with the AUDI Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Audi product or any other product produced by Plaintiffs, that is not Plaintiffs' or not produced under the authorization, control or supervision of Plaintiffs and approved by Plaintiffs for sale under the AUDI Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiffs, or are sponsored by, approved by, or otherwise connected with Plaintiffs;
 - d. further infringing the AUDI Trademarks and damaging Plaintiffs' goodwill; and
 - e. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or

- inventory not manufactured by or for Plaintiffs, nor authorized by Plaintiffs to be sold or offered for sale, and which bear any of Plaintiffs' trademarks, including the AUDI Trademarks, or any reproductions, counterfeit copies or colorable imitations thereof.
2. Pursuant to 15 U.S.C. § 1117(c)(2), Plaintiffs are awarded statutory damages from each of the Defendants in the amount of one hundred thousand dollars (\$100,000) for willful use of counterfeit AUDI Trademarks on products sold through at least the Defendants' Internet Stores.
 3. Any Third Party Providers holding funds for Defendants, including PayPal, Inc. ("PayPal"), Alipay, Wish.com, and Amazon Pay, shall, within two (2) business days of receipt of this Order, permanently restrain and enjoin any non-U.S. based accounts connected to Defendants or Defendants' Internet Stores from transferring or disposing of any money or other of Defendants' assets.
 4. All monies currently restrained in Defendants' financial accounts, including monies held by Third Party Providers such as PayPal, Alipay, Wish.com, and Amazon Pay, are hereby released to Plaintiffs as partial payment of the above-identified damages, and Third Party Providers, including PayPal, Alipay, Wish.com, and Amazon Pay, are ordered to release to Plaintiffs the amounts from Defendants' financial accounts within ten (10) business days of receipt of this Order.
 5. Until Plaintiffs have recovered full payment of monies owed to it by Defendants, Plaintiffs shall have the ongoing authority to serve this Order on Third Party Providers, including PayPal, Alipay, Wish.com, and Amazon Pay, in the event that any new financial accounts controlled or operated by Defendants are identified. Upon receipt of this Order, Third Party

Providers, including PayPal, Alipay, Wish.com, and Amazon Pay, shall within two (2) business days:

- a. locate all accounts and funds connected to Defendants or the Defendants' Internet Stores;
 - b. restrain and enjoin such accounts or funds that are not U.S. based from transferring or disposing of any money or other of Defendants' assets; and
 - c. release all monies restrained in Defendants' financial accounts to Plaintiffs as partial payment of the above-identified damages within ten (10) business days of receipt of this Order.
6. In the event that Plaintiffs identify any additional online marketplace accounts or financial accounts owned by Defendants, Plaintiffs may send notice of any supplemental proceeding to Defendants' email addresses istorelight@gmail.com, smart72@hotmail.com, thgsmartorder@gmail.com, toptradestore@gmail.com, wendywendychen@hotmail.com, hqzx101@gmail.com, and jscjangellwap@chinaacc.com and any e-mail addresses associated with Defendants as provided for Defendants by third parties.

This is a Final Judgment against Defendants.

DATED: May 7, 2019



John Z. Lee
United States District Judge